

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

JOHN C. MACDONALD,

Plaintiff,

vs.

UNITED STATES OF AMERICA, et al.,

Defendants.

ORDER

AND

MEMORANDUM DECISION

Case No. 2:06-CV-88 TC

On January 30, 2006, Plaintiff John C. MacDonald filed a complaint asserting various civil rights and tort claims against the United States of America and individual law enforcement agents. Two defendants are listed in the Complaint as “Two Unknown Police Officers of the Provo City Police Department.” To date, the two police officers have not been identified or served.

Mr. MacDonald has filed a Motion to Extend Time to Serve the Two Unknown Police Officers, in which he seeks an order staying the case until he can identify the two John Doe police officers. In his Motion, he also “requests that this court order [the United States and individual federal defendants] to ascertain and divulge the names of the unknown police officer defendants.” (Pl.’s Mot. To Extend Time at 2.)

The court DENIES the Motion for two reasons. First, no extension is necessary. When Mr. MacDonald learns the identity of the two police officers, he can file a motion for leave to amend the complaint. Second, to the extent that the motion is a motion to compel, it is

procedurally improper. See Fed. R. Civ P. 37(a).

IT IS SO ORDERED this 5th day of June, 2006.

BY THE COURT:



TENA CAMPBELL
United States District Judge